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INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
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RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
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TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)

SUBJECT: JUDGE IN ALLEGED RAPE CASE RECUSES HIMSELF ON EVE
OF MARINES' ARRAIGNMENT

REF: A. MANILA 1219

[1](#)B. MANILA 1189

[1](#)C. MANILA 635 AND PREVIOUS

[1](#)1. (U) Summary. The judge in the case of four Marines accused of raping a Filipina has recused himself in reaction to a motion from the complainant's lawyers. The arraignment of the Marines, scheduled for March 24, has been postponed. A new judge may be assigned to the case on March 28; the complainant's lawyers are expected to refile a motion challenging the validity of the Visiting Forces Agreement (VFA) once such an assignment is made. End Summary.

[1](#)2. (U) Executive Vice Judge Renato Dilag voluntarily "inhibited" (recused) himself March 23 from trying the case of four Marines accused of raping a Filipina. Judge Dilag made the decision after the "private prosecutors" (the complainant's lawyers) filed a motion for his inhibition. The motion alleged that the judge's son was an associate of the Rodrigo, Berenguer, and Guno Law Offices, which is defending one of the four accused, Staff Sergeant Chad Carpentier. Although the younger Dilag had resigned from the firm a year and a half ago, Judge Dilag said he had "chosen to inhibit myself from this case to erase all doubt on future actions I will make with regards to this case."

[1](#)3. (U) The arraignment originally set for March 24 (ref B) is now postponed. Prosecutor Prudencio Jalandoni confirmed to emboff that the Marines do not have to present themselves in court on that date. Local media are reporting widely that the case will be raffled again, and a new judge assigned, on March 28, but the Marines' attorneys have not received official confirmation of this date.

[1](#)4. (U) King Rodrigo, Carpentier's attorney and the lead lawyer on the defense team, expected that the complainant's lawyers would refile their motion challenging the validity of the Visiting Forces Agreement (VFA) after a new judge is selected. Complainant's previous motion on this issue (ref A) was denied on March 22. Judge Dilag's swift dismissal of this motion was also cited by the complainant's attorneys in their motion requesting Judge Dilag's inhibition.

Kenney